

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
FILE NO. 3:12cv415**

DATA DRIVEN SAFETY, INC.,

Plaintiff,

vs.

DRIVER'S HISTORY, INC.,

Defendant.

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA:

NOW COMES Driver's History Information Sales, LLC (incorrectly named as Driver's History, Inc.) ("Defendant") and files this notice of removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and states the following in support:

1. The action to be removed is File No. 12-CVS-11041, which was filed in the Superior Court of Mecklenburg County, styled as *Data Driven Safety, Inc. v. Driver's History, Inc.*, on June 8, 2012.

2. Defendant was served with the Complaint and Summons on June 11, 2012. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within 30 days from Defendant's receipt of the Complaint.

3. Pursuant to 28 U.S.C. § 1332, federal district courts have original jurisdiction over all civil actions between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Plaintiff's Complaint alleges that Plaintiff is a corporation organized and existing under the laws of the State of North Carolina, with its principal place of business in Davidson, North Carolina.

5. Defendant is a New Jersey Corporation with its principal place of business in Cherry Hill, New Jersey.

6. In its Complaint, Plaintiff asserts claims for breach of contract, conversion, and unfair and deceptive trade practices against Defendant and alleges that Defendant has failed to pay to Plaintiff \$114,150.00 in fees. Accordingly, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

8. Under 28 U.S.C. § 1441(a), the United States District Court for the Western District of North Carolina is the proper venue for removal jurisdiction because it embraces the place where this action is pending.

9. In compliance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Mecklenburg County Superior Court.

10. A copy of all pleadings and process served on Defendant in this action as of this date, specifically, Plaintiff's Complaint filed in this action and a Summons issued this action, is attached as **Exhibit A**.

WHEREFORE, Defendant hereby removes this action from the Superior Court of Mecklenburg County, North Carolina to the United States District Court for the Western District of North Carolina.

This the 10th day of July, 2012.

POYNER SPRUILL LLP

By: /s/ Karen H. Chapman
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ATTORNEYS FOR DRIVER'S
HISTORY INFORMATION
SALES, LLC (INCORRECTLY
NAMED AS DRIVER'S HISTORY,
INC.)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date the foregoing **Notice of Removal** was filed with the Clerk of the Court using the CM/ECF system, and that a copy of the foregoing **Notice of Removal** was sent to the following by United States Mail, first class, postage pre-paid:

Brian A. Kahn
Lauren B. Loftis
MCGUIRE WOODS, LLP
201 North Tryon Street, Suite 3000
Charlotte, NC 28202

ATTORNEYS FOR PLAINTIFF

This the 10th day of July, 2012.

/s/ Karen H. Chapman

Karen H. Chapman